No. 93-64

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1993

BANO BI, individually and on behalf of the children of Rashid Kahn, and as representative of the Estate of Rashid Kahn, et al.,
Petitioners,

— against —

UNION CARBIDE CHEMICALS AND PLASTICS COMPANY INC., formerly known as Union Carbide Corp.; UNION CARBIDE OF INDIA, LTD.; UNION CARBIDE EASTERN, INC.; ENSERCH CORPORATION; HUMPHREYS & GLASGOW CONSULTANTS PVT., LTD.; HUMPHREYS & GLASGOW, LTD.; EBASCO-HUMPHREYS & GLASGOW, INC.,
Respondents.

ABDUL WAHID, ET AL.,
Petitioners,

— against —

UNION CARBIDE CHEMICALS AND PLASTICS COMPANY INC., formerly known as Union Carbide Corp.; UNION CARBIDE OF INDIA, LTD.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF IN OPPOSITION OF RESPONDENTS, ENSERCH CORPORATION; HUMPHREYS & GLASGOW CONSULTANTS PVT., LTD.; HUMPHREYS & GLASGOW, LTD.; EBASCO-HUMPHREYS & GLASGOW, INC. ("ENSERCH DEFENDANTS")

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COUNTERSTATEMENT OF THE QUESTIONS PRESENTED FOR REVIEW

1. Whether the Second Circuit Court of Appeals correctly ruled, pursuant to comity principles that govern the relationships among nations, that the federal and state courts of this country should defer to the judgment of a democratic foreign government that disputes arising from a mass tort occurring within that foreign government's own borders can be best resolved by according the foreign government exclusive standing to represent the victims of the disaster in the courts of the world?

2. Whether the Second Circuit Court of Appeals should have affirmed the judgment of the Honorable John F. Keenan dismissing the complaints or remanded to the District Court with

directions to remand the suits to the Texas state court when that remand would have been a futile act?

CORPORATE DISCLOSURE STATEMENT

Enserch Corporation, its subsidiaries and their subsidiaries and affiliates, respectively, are as follows:

Name

Enserch Corporation's subsidiaries are:

- Lone Star Gas Company of Texas, Inc.
- National Pipeline Company
- Enserch Gas Transmission Company
- Lone Star Energy Company, its subsidiaries are:
  - Fleet Star of Texas, L.C. (1)
  - TRANSTAR Technology, L.C. (1)
  - Lone Star Plan Analytical Services, Inc.
  - Lone Star Energy Plant Operations, Inc.
  - Lone Star Gas Argentina, Inc.
- LS Energy, Inc.

Enserch Development Corporation, its subsidiaries are:

- Enserch Development Corporation One, Inc.
- EDC Catskill Cogeneration, Inc.
- EDC Four Inc.
- EDC Frederickson, Inc.
- EDC Northwest Cogeneration, Inc.
- EDC Southeast, Inc.

Enserch Processing, Inc.

Enserch Exploration, Inc.

Enserch SACROC, Inc.

Enserch International Exploration, Inc., its subsidiaries are:

- Enserch Far East Ltd.
- Enserch Offshore Java Ltd.
- Enserch Tunisia, Inc.
- Enserch Exploration (U.K.) Limited

Enserch International Investments Limited, its subsidiaries are:

- Enserch Holdings Limited*

Humphreys & Glasgow Limited*

Process Engineering, Inc.

Earl & Wright Ltd.*

Process Engineering International Limited, its subsidiaries are:

H & G Technology Ltd.

Humphreys & Glasgow (Malaysia) Sdn. Bhd.

Humphreys & Glasgow (Canada) Limited

Humphreys & Glasgow Pacific Pty. Limited

Humphreys & Glasgow (Atlantic) Limited

Process and Energy Consultants Limited

Humphreys & Glasgow Europe Limited

Humphreys & Glasgow (Overseas) Limited

Canatom Heavy Water Limited (1)

ENSERCH Finance N.V.

Enserch House, Inc.

ENS Insurance Company

ENS Claims Management, Inc.

Enserch Shirley, Inc.

Dorsch Consult GmbH (3)

Ebasco Services Incorporated, its subsidiaries are:

- Ebasco Corporation
- Ebasco Engineering and Construction Corporation
- Ebasco Industries Inc. (Delaware)
  - Ebasco-CTCI Corporation (4)
  - Ebasco B.V.
    - Qualitec Ebasco GmbH (3)
    - Ebasco Italia S.r.I.
  - Industrial Assistance Corporation
  - Ebasco Dorsch Consultants Inc. (5)
  - Enserch Engineers & Constructors, Inc.
  - Ebasco V.I. Inc.*
  - Ebasco Cayman Limited
    - Ebasco Arabia Limited (1)*

Ebasco Services Singapore Pte. Ltd.

Ebasco Energy A.G.

Ebasco Espana, S.A. (1)

Ebasco Qualtech Korea Inc.*

Ebasco Services International Inc.

Ebasco International Corporation

Ebasco Overseas Corporation

Ebasco Risk Management Consultants, Inc.

Associated Company Management of Ebasco Limited

INDECS of Ebasco Inc.

Ebasco Services of Canada Limited

Ebasco Sales Inc.

Ebasco Plant Services, Inc.

Ebasco Constructors Inc., its subsidiaries are:

Aleasco, Inc.

Frank Moolin &
Associates, Inc.

Ebasco Constructors
International, Inc.

Ebasco (U.K.)
Limited

Ebasco Limited

ENS Equipment Corporation

Hittman Ebasco Associates Inc.

Ebasco Massachusetts Inc.

Ebasco Environmental
International Inc.

E & L Technologies Inc.

E & L Engineering Inc.

E & L Associates Inc.

E & L International, Inc.

Ebasco Environmental Management
Company of Ohio, Inc. (6)

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* Company in liquidation.

(1) 50% owned by parent corporation.

(2) 40% owned by parent corporation.

(3) 49% owned by parent corporation.

(4) 47% owned by parent corporation.

(5) 80% owned by parent corporation.

(6) 67% owned by parent corporation.

TABLE OF CONTENTS

	Page
COUNTERSTATEMENT OF THE QUESTIONS PRESENTED FOR REVIEW	i
CORPORATE DISCLOSURE STATEMENT . .	iii
COUNTERSTATEMENT OF THE CASE . . .	1
SUMMARY OF ARGUMENT	1
ARGUMENT	1
CONCLUSION	1

COUNTERSTATEMENT OF THE CASE

Enserch Corporation; Humphreys & Glasgow Consultants Pvt., Ltd.; Humphreys & Glasgow Ltd.; and Ebasco - Humphreys & Glasgow, Inc. ("Enserch Defendants"), Respondents herein, adopt, by this reference thereto, the Counter-statement of the case of Respondent, Union Carbide Chemicals and Plastics Company Inc. ("Union Carbide").

SUMMARY OF THE ARGUMENT

The Enserch Defendants adopt, by this reference thereto, the Summary of the Argument of Respondent, Union Carbide.

ARGUMENT

The Enserch Defendants adopt, by this reference thereto, the Argument of Respondent, Union Carbide.

CONCLUSION

The decision of the Second Circuit

Court of Appeals was fully consistent with established legal principles. Review is unwarranted.

Dated: Liberty, Texas
August 11, 1993

Respectfully submitted,

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